APPENDIX A — CODE OF PROCEDURE OF THE NAF

NATIONAL ARBITRATION FORUM CODE OF PROCEDURE

July 1, 2000

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PART IV
ARBITRATORS

Rule 20. Authority of Arbitrators.

A. Arbitrators have the powers provided by this Code, the agreement of the Parties, and the applicable substantive law.

B. Arbitrators shall take an oath prescribed by the Director and shall be neutral and independent.

C. Arbitrators shall decide all arbitrable issues submitted by the Parties and do not have the power to decide matters not properly submitted under this Code.

D. Arbitrators may grant any remedy or relief allowed by applicable substantive law and based on a Claim, Response, or Request properly submitted by a Party under this Code.

Appendix A

PART VII
FEES

Rule 44. Fees.

A. A Party may not file a Claim or proceed with an arbitration unless the fees provided in the Fee Schedule are timely paid to the Forum. Fees are not refundable except as otherwise provided by the Code.

B. The Forum may not file an arbitration, Claim, Response, Request, demand or notice if the fee required by the Fee Schedule does not accompany the submission.

C. The Forum may not schedule a Document Hearing or a Participatory Hearing if the fee required by the Fee Schedule does not accompany the Request for the hearing.

D. During the course of a Participatory Hearing, the Director may require the Party or Parties, who are not Consumers in Small Claim cases, to pay in advance a fee for additional Participatory Hearing sessions in addition to those requested under Rule 26 and 27. Unexpended fees shall be returned to the Party or Parties making payment.

E. The prevailing Party may recover fees paid in the arbitration in accordance with Rule 37C.

F. Issues regarding the amount of filing fees, including the value of relief sought, may be raised by any Party and shall be resolved by the Director or by an Arbitrator.

Appendix A

Rule 45. Waiver of Fees.

A. An indigent Party, who is not an individual and not a business or other entity, may request a waiver of the Small Claim filing or administrative fees, Request fees, hearing fees, or other fees or security for any arbitration by filing with the Director a written Request for a waiver at the time the fee payment is due. The Request for a waiver shall be accompanied by an affidavit of indigency stating the Party's family size and all income and sources, property and assets, expenses and costs, liabilities and debts, and other relevant information. Neither the Request nor affidavit need be sent to other parties.

B. The Director shall promptly decide whether an individual Party is eligible under this Rule and under United States federal poverty standards.

C. If the statements in the affidavit of indigency are untrue, or if the Director later deems the individual able to pay the fees or security, the Director shall order the individual to pay.

D. If an individual proceeding under this rule recovers money by either a settlement or an Award, the opposing Party shall deduct the unpaid fee from the amount of the settlement or Award and pay the fee to the Forum. If the opposing Party fails to pay the unpaid fee to the Forum, the individual proceeding under this rule shall remain liable to pay the fee.

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APPENDIX C
FEE SCHEDULE

Effective December 1, 1999

FILING FEES

These filing fees govern arbitrations conducted under the **Forum** *Code of Procedure*. Rules regulating fees appear throughout the *Code of Procedure*. All fees are in U.S. dollars.

FEES
SMALL CLAIMS BROUGHT BY CONSUMERS

These fees apply to claims for an amount less than US$15,000.00 made by a Consumer against any business or other entity that is not a Consumer.

Amount of Claim	Filing Fee	Administrative Fee
Less than US$5,000	US$49	US$225
Less than US$15,000	US$100	US$425
Non-monetary relief value of less than US$15,000	US$100	US$425

Consumer Small Claim Filing Fe The Consumer Claimant shall pay the Filing Fee at th ime the Claim is filed.

Consumer Small Claim Administrative Fee. The non-consumer Respondent shall pay the Administrative Fee at the time the response is filed.

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Consumer Small Claim Document Hearing. The Administrative Fee covers the cost of a Document Hearing. There is no additional fee to the Consumer Claimant for a Small Claim Document Hearing.

Consumer Small Claim Telephone or On-line Participatory Hearing. The Consumer Claimant requesting a Telephone or On-line Participatory Hearing of a consumer Small Claim shall pay a hearing fee of US$50. Each other non-consumer party shall pay US$50 at the time of the request for a hearing.

A non-consumer party requesting a Telephone or On-line Participatory Hearing of any Small Claim shall pay a fee of US$100. Each other non-consumer party shall pay US$50 at the time of the request for a hearing. The Consumer Claimant will pay no hearing fee if the request is made by a non-consumer party.

Consumer Small Claim In-Person Participatory Hearing. A Consumer Claimant requesting an In-Person Participatory Hearing of a Consumer Small Claim shall pay a Hearing Fee of US$75. Each other non-consumer party shall pay US$100 at the time of the request for each Hearing session of a Consumer Small Claim. Rule 34 of the *Code of Procedure* sets the length of a Small Claim Participatory Hearing session at one hour, if the claim is less than US$5000, and at two hours, if it is US$5000 or more.

A non-consumer party requesting an In-person Participatory Hearing of a Consumer Small Claim shall pay a hearing fee of US$200 per session. The Consumer Claimant will pay no hearing fee if the request is made by a non-consumer party.

Appendix A

No Small Claim Fees. In Small Claim cases, Consumers do not pay fees for requests of subpoenas, discovery orders, or continuances.

Findings and Conclusions. A Consumer who requests findings, conclusions, or an explanation in a Small Claim case does not pay any fee for the request. Where findings of fact, conclusions of law, or reasons are required under Rule 37G, the non-consumer claimant or the non-consumer respondent shall pay a fee of US$150.

Recovery of Fees. The arbitrator may order the fees paid by a Party to be reimbursed by another Party.

No Fee. An individual who is indigent and cannot afford to pay a fee may not have to pay a Consumer Small Claim fee. This individual may request, in writing, that the Director waive the fee. Read Rule 45 of the *Code of Procedure*.

Questions? Need Help? Any party who has questions or needs help in filing or responding to a claim may contact the Director:

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